

Before the Board of Zoning Adjustment, D. C.

Application No. 11798 of Helen Shepard, pursuant to Section 8207.1 of the Zoning Regulations for a variance from the use provisions of the R-1-B zone to permit a flat, as provided by Section 8207.11 of the Regulations, at the premises 1427 Monroe Street, N. E., known as lots 810, 811, in Square 4008.

HEARING DATE: December 18, 1974

DECISION DATE: January 21, 1975

SUMMARY

The applicant comes before the Board requesting permission to convert on existing single family dwelling to a flat (two (2) family dwelling), in the R-1-B zone. The use of property in the R-1-B zone is not permitted in this low density residentially zoned district, therefore, the applicant must obtain a use variance as authorized by Section 8207.11 of the Regulations by showing the existence of a hardship therein.

FINDINGS OF FACT:

1. The subject property was constructed containing 20 rooms and prior to applicants purchase in 1962, was used by a religious community.
2. The building on the subject property also consists of four full baths, four full kitchens, with a habitable attic.
3. The applicant submitted at public hearing, that the subject property is suitable only for use by a group such as the religious community that once occupied it, or a multi-family dwelling.
4. The Board finds that from 1962 to 1972, the subject property was used by the applicant to house her relatives of blood and marriage.
5. The Board finds that the applicant purchased the subject property with the intention of using it for its zoned purpose and did so for ten (10) years.
6. Neighbors of the subject property to this application, stating that number of persons who have used and lived in the subject property created an objectionable density.
7. Ms Vivian Gregory, who resides at 1411 Monroe Street, N. E., testified of her personal knowledge that the subject property was never used by a religious community.

OPINION

From the evidence of record, it appears that the subject property can and has been used for its zoned purpose (single-family dwelling) by the applicant. In light of Ms. Gregory's testimony that no religious community has used the subject property, her personal knowledge pre-dating applicant's purchase of subject property, and the fact that counsel for applicant failed to present documentary or testimonial evidence to support the assertion that the property was once used by a religious community, the Board can give little, if any weight to that assertion. The Board is further of the opinion that no evidence was offered which tends to demonstrate the existence of a hardship relating to the subject property or the applicant.

CONCLUSIONS OF LAW:

Based upon the foregoing the Board concludes as follows:

1. The applicant has not carried her burden of proving the existence of a hardship.
2. This variance, if granted, would be detrimental to the public good and substantially impair the meaning and intent of the Zoning Regulations.

ORDERED: That the above application be DENIED.

VOTE: 4-0 (Mr. Klauber not voting not having heard the case.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: James E. Miller
JAMES E. MILLER,
Secretary to the Board

FINAL DATE OF ORDER : MAR 26 1975